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SB 1026: racketeering; cockfighting

Sponsor: Senator Kavanagh, LD 3

Committee on Land, Agriculture & Rural Affairs

Overview

Includes animal fighting and cockfighting in the list of acts that constitute *racketeering* if committed for financial gain.

History

The criminal code defines *racketeering* as any act that is chargeable under the laws of the state or country in which the act occurred and would be chargeable under Arizona law, and that would be punishable by imprisonment for more than one year, that involves either: 1) terrorism, animal terrorism or ecological terrorism that results or is intended to result in a risk of serious physical injury or death; or 2) an extensive list of acts committed for financial gain. The acts listed in this latter category include, among others, homicide; human smuggling or trafficking; and various theft- or fraud-based offenses ([A.R.S. §13-2301](#)).

The use of racketeering or its proceeds is an element of *illegal control of an enterprise* and *illegally conducting an enterprise*, which are class 3 felony offenses that may be charged as class 2 felonies if the defendant hires, engages or uses a minor to prepare or complete the offense ([A.R.S. § 13-2312](#)). Additionally, Arizona prosecuting agencies and courts have a broad range of civil enforcement powers relating to racketeering and illegal control or conducting of an enterprise, including through property forfeiture and damages recovery on behalf of a person who is injured the the activity ([A.R.S. §§ 13-2313](#) and [13-2314](#)).

A person commits *animal fighting*, a class 5 felony, by knowingly: 1) owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal; 2) for amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other; or 3) permitting any either of these acts to be done on any premises under the person's charge or control ([A.R.S. § 13-2910.01](#)).

A person commits *cockfighting*, also a class 5 felony, by knowingly: 1) owning, possessing or training any cock with the intent of it engaging in an exhibition of fighting with another cock; and 2) causing any cock to fight with another cock or causing any cocks to injure each other for amusement or gain ([A.R.S. § 13-2910.03](#)).

Provisions

1. Adds animal fighting and cockfighting to the list of acts that are included in the definition of *racketeering* if committed for financial gain. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note